

## RESOLUTION NO. A-\_\_\_\_\_

## USE PERMIT NO. 140A

1           WHEREAS, Menard, Inc. has submitted an application in accordance with  
2   Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 140A  
3   for authority to modify the parking layout and add an outdoor garden sales area, and to  
4   waive the required parking spaces from 877 stalls to 729 stalls, on property generally  
5   located at 91st Street and Highway 2, and legally described to wit:

6           Lot 2, Block 1, Appian Way Addition, Lincoln, Lancaster  
7           County, Nebraska; and

8           WHEREAS, the real property adjacent to the area included within the site  
9   plan for this modification to the commercial development will not be adversely affected;  
10   and

11           WHEREAS, said site plan together with the terms and conditions  
12   hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
13   Municipal Code to promote the public health, safety, and general welfare.

14           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
15   Lincoln, Nebraska:

16           That the application of Menard, Inc., hereinafter referred to as "Permittee",  
17   to modify the parking layout and add an outdoor garden sales area within the previously  
18   approved commercial space on the property legally described above be and the same  
19   is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal  
20   Code upon condition that construction and operation of said commercial space be in  
21   strict compliance with said application, the site plan, and the following additional

1 express terms, conditions, and requirements:

2 1. This permit approves a 194,853 square foot building with a  
3 reduction to the parking requirement from 877 stalls to 729 parking spaces.

4 2. Before receiving building permits:

5 a. The Permittee must submit a revised and reproducible final  
6 plan including five copies.

7 b. The construction plans must conform to the approved plans.

8 3. Before occupying the buildings all development and construction  
9 must be completed in conformance with the approved plans.

10 4. All privately-owned improvements must be permanently maintained  
11 by the Permittee or an appropriately established property owners association approved  
12 by the City Attorney.

13 5. The site plan approved by this permit shall be the basis for all  
14 interpretations of setbacks, yards, locations of buildings, location of parking and  
15 circulation elements, and similar matters.

16 6. The terms, conditions, and requirements of this resolution shall be  
17 binding and obligatory upon the Permittee, their successors and assigns. The building  
18 official shall report violations to the City Council which may revoke this use permit or  
19 take such other action as may be necessary to gain compliance.

20 7. The Permittee shall sign and return the City's letter of acceptance  
21 to the City Clerk within 30 days following approval of this use permit, provided, however,  
22 said 30-day period may be extended up to six months by administrative amendment.  
23 The City Clerk shall file a copy of the resolution approving this use permit and the letter

1 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by  
2 the Permittee.

3 8. The site plan as approved with this resolution voids and  
4 supersedes all previously approved site plans, however all resolutions approving  
5 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor